

**National Oil and Hazardous  
Substances Pollution Contingency Plan;  
National Priorities List**

AGENCY: Environmental Protection Agency

ACTION: Revised Notice of Intent to Delete from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region IV announces its intent to delete the Lees Lane Landfill Superfund site (Site) from the National Priorities List (NPL) and requests public comment on this action. On May 16, 1988, EPA issued a notice announcing its intent to delete this site and others. The notice is being revised to correct certain inaccuracies made with respect to the Lees Lane Landfill Site. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the Commonwealth of Kentucky have determined that all appropriate CERCLA response actions have been implemented and that no further cleanup is appropriate. Moreover EPA and Kentucky determined that response activities conducted at the Site to date have been protective of

public health, welfare, and the environment.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations.

DATES: Comments concerning this Site may be submitted on or before thirty (30) days from the date of publication of this Federal Register Notice.

ADDRESSES: Comments may be mailed to:

Derek Matory, RPM  
Waste Management Division  
North Superfund Remedial Branch  
Environmental Protection Agency  
Region IV  
345 Courtland Street, N.E.  
Atlanta, GA 30365

Comprehensive information on the Site is available through the EPA Region IV public docket, which is located at EPA's Region IV office and is available for viewing by appointment only from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Requests for appointments or copies of the background information from the Regional public docket should be directed to the EPA Region IV docket office.

The address for the Regional docket office is:

Pricilla Pride  
Region IV, USEPA  
Library, Room G-8,  
345 Courtland Street, N.E.  
Atlanta, GA 30365

SUPPLEMENTAL INFORMATION:

Table of Contents:

- I. Introduction
- II. NPL Deletion Criteria
- III. Basis for Intended Site Deletions

I. Introduction

The Environmental Protection Agency (EPA) Region IV announces its intent to delete the Lees Lane Landfill Site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on this deletion. The NPL is comprised of sites identified by EPA which may present a significant risk to public

health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund (Fund). Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial or removal actions if conditions at the Site warrant such actions.

EPA will accept comments concerning this notice of intent to delete for thirty (30) days after publication of this notice in the Federal Register. Concurrent with this notice of intent to delete, a notice has been published in local newspapers and has been distributed to appropriate state officials.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how this Site meets the deletion criteria.

## II. NPL Deletion Criteria

The NCP establishes the criteria that EPA uses to delete sites from the NPL. In accordance with 40 CFR Section 300.425(e), sites may be deleted from the NPL where no further response action, other than operation and maintenance (O&M) activities, is appropriate. In making this determination, EPA will consider whether any of the following criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

### III. Deletion Procedures

In the NPL rulemaking published on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice of comment procedures followed for adding sites to the NPL should also be used before sites are deleted. Comments were also received in response to the amendments to the NCP proposed on February 12, 1985 (50 FR 5862). Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management.

EPA Region IV will accept and evaluate public comments before making a final decision to delete. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community may be the most pertinent to deletion decisions. The following procedures were used to the intended deletion of this site:

1. EPA Region IV has recommended deletion and has prepared the relevant documents.
2. The State of Kentucky has concurred with the deletion decision.
3. Concurrent with this National Notice of Intent to Delete, a local notice has been published in local newspapers and has been distributed to appropriate federal, state and local officials, and other interested parties. This local notice announces a thirty (30) day public comment period on the deletion package, which starts two weeks from the date of this notice.
4. The Region has made all relevant documents available in the Regional Office and local site information repository.

The comments received during the notice and comment period will be evaluated before the final decision to delete.

The Region will prepare a Responsiveness Summary, which will address the comments received during the public comment period.

A deletion will occur after the EPA Regional Administrator places a notice in the Federal Register. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region IV.

#### IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for deletion of the Site from the NPL.

##### Lees Lane Landfill Site, Louisville, Kentucky

The Lees Lane Landfill Site is located immediately adjacent to the Ohio River in Jefferson County, approximately 4.5 miles southwest of Louisville, Kentucky. The Site, consisting of approximately 112 acres, is approximately 5,000 feet in length and 1500 feet in width. Domestic, commercial and industrial wastes were disposed of in the landfill from the later 1940's to approximately 1975. Prior to and during its use as a landfill, sand and gravel were quarried at the Site. In 1975, residents near the Site were evacuated from their homes as a result of explosive levels of methane gas. These

homes were ultimately purchased by the Jefferson County Housing Authority. In 1978, monitoring was conducted to define the gas migration problem. A gas collection venting system was installed in October 1980 to intercept migrating gases.

In February 1980, the Kentucky Department of Hazardous Materials and Waste Management (HMWM) discovered approximately 400 drums near the Ohio River bank. Over 50 chemicals were identified, including phenolic resins, benzene, and relatively high concentrations of copper, cadmium, nickel, lead, and chromium.

The drums were ultimately removed, and in 1981, the Kentucky Natural Resources and Environmental Protection Cabinet (NREPC) installed shallow ground-water monitoring wells at the Site, which revealed high concentrations of heavy metals and aluminum. On September 8, 1983, the Site was listed on the National Priorities List.

EPA signed an Enforcement Decision Document (EDD) on September 25, 1986. The EDD (similar to a Record of Decision) documents EPA's selected response action for the Lees Lane Landfill Site, which included the construction of a riprap system; surface waste clean-up; inspection and repair of the gas collection system; hook-up to an alternate water supply; gas, air, and ground-water monitoring; cautionary signs and installation of a gate at the entrance to the Site. On March 10, 1987, EPA initiated a removal



action at the Site to implement the EDD.

All construction activities have been completed, and EPA recently entered into an Administrative Consent Order with the Louisville and Jefferson County Metropolitan Sewer District (MSD) under which MSD has agreed to perform certain O&M activities at the Site for twenty-nine (29) years. EPA anticipates that the Commonwealth of Kentucky will enter into an Intergovernmental Response Agreement with EPA under which Kentucky will provide oversight of MSD's O&M activities. Based on current information, EPA, with the concurrence of the Commonwealth of Kentucky, has determined that all appropriate Fund-financed response actions under CERCLA at the Lees Lane Landfill Site have been completed, and also has determined based on current information that no further response actions, other than long-term O&M activities, are appropriate at the Site.

#### V. Bibliography Docket

NUS Corporation, Lees Lane Landfill Remedial Investigation, April 1986, Prepared for U.S. EPA.

NUS Corporation, Lees Lane Landfill Feasibility Study, April 1986, Prepared for U.S. EPA.

United States Environmental Protection Agency, Lees Lane Landfill Community Relations Plan, January 1988.

EBASCO Services Incorporated, Lees Lane Landfill Basis of Design Report, December 1987, Prepared for U.S. EPA.

United States Environmental Protection Agency, Lees Lane Landfill Removal Action NPL Site OSC Report, December 1987.

EBASCO Services Incorporated, Lees Lane Landfill Operations and Maintenance Plan, February 1988, Prepared for U.S. EPA (Revised April 1991).

United States Environmental Protection Agency, Lees Lane Landfill Close Out Report, February 1988.

Kentucky Department of Natural Resources, Assurance Letter to Undertake O&M, February 1987, Submitted to U.S. EPA.

United States Environmental Protection Agency, Administrative Record Bibliography, February 1988.

Administrative Order on Consent with the Louisville and Jefferson County, Kentucky Metropolitan Sewer District to Conduct Site O&M, October 1991.

Kentucky Department of Natural Resources, Concurrence on Site  
Deletion Letter, December 1991, Submitted to U.S. EPA.

1-13-92

Date

/s/ Patrick M. Tobin, Deputy

Regional Administrator

U.S. EPA Region IV